

Patent
Avago Technologies Docket No.: 70030561-2

REMARKS

This is a full and timely response to the non-final Office Action mailed by the U.S. Patent and Trademark Office on November 1, 2005. Claims 1-11, 13-14 and 16-19 remain pending in the present application. Claims 1, 9 and 14 are amended. Support for the amendments can be found in the specification at least on page 3, lines 30-31 and with respect to FIG. 2. Claims 12 and 15 are canceled. In view of the foregoing amendment and following remarks, reconsideration and allowance of the present application and claims are respectfully requested.

Rejection Under 35 U.S.C. § 102

Claims 1-4, 5, 9 and 12 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,422,711 to Chao *et al.* (hereafter *Chao*).

A proper rejection of a claim under 35 U.S.C. § 102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983). Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. *See, e.g., In re Paulsen*, 30 F.3d 1475, 31 USPQ2d 1671 (Fed. Cir. 1994); *In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990). Alternatively, anticipation requires that each and every element of the claimed invention be embodied in a single prior art device or practice. *See, e.g., Minnesota Min. & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992). The test is the same for a process. Anticipation requires identity of the claimed process and a process of the prior art. The claimed process, including each step thereof, must have been described or embodied, either expressly or inherently, in a single reference. *See, e.g., Glaverbel S.A. v. Northlake Mkt'g & Supp., Inc.*, 45 F.3d 1550, 33 USPQ2d 1496 (Fed. Cir. 1995). Those elements must either be inherent or disclosed expressly. *See, e.g., Constant v. Advanced Micro-Devices, Inc.*, 848 F.2d 1560, 7 USPQ2d 1057 (Fed. Cir. 1988); *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987). Those elements must also be arranged as in the claim. *See, e.g., Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913 (Fed. Cir. 1989); *Carella v. Starlight Archery & Pro Line Co.*, 804 F.2d 135, 231 USPQ 644 (Fed. Cir. 1986). For anticipation, there must be no difference between the claimed invention and the reference

disclosure, as viewed by a person of ordinary skill in the field of the invention. *See, e.g., Scripps Clinic & Res. Found. v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ2d 1001 (Fed. Cir. 1991).

Accordingly, the single prior art reference must properly disclose, teach or suggest each element of the claimed invention.

The Office Action states that:

Cao discloses a display substantially as claimed including: an optically opaque base (10, figs 4-5) comprising first and second surfaces, said optically opaque base comprising an aperture, said aperture defining an outer perimeter of a display element (element "O"), a rib (12, fig. 5) attached to said base and disposed within said aperture such that said rib is not coplanar (col. 2, lines 37-40) with said first and second surfaces of said base, an optically opaque inner member defining an inner perimeter of said display element, said inner member disposed in said aperture to define a region (10, fig. 4) between said outer and inner perimeters of said display element, said inner member attached to said rib, and a light source (LED, col.2, lines30-32) disposed to project light toward said inner member and said base such that light passes through said region, further comprising a diffusing material (20, fig. 6) disposed in at least a portion of said region, a diffusing film (30, fig. 6).

Chao discloses a hidden rib for the reflector of an LED display, wherein a hollowed optic displaying section is formed in a reflector. The hollowed optic displaying section is connected by a hidden rib. The rib is installed in a plane lower than a surface of the reflector. *See Chao*, Abstract. With regard to FIG. 5 of *Chao*, "a rib 12 runs across the back side of the reflector 10 (see FIG. 5) so as to be formed as a hidden type rib 12. The rib 12 is installed at a plane lower than the plane of the reflector 10." *See Chao*, col. 2, lines 36-41. However, as clearly shown in FIG. 5 of *Chao*, only one surface of the rib 12 is installed at a plane lower than the plane of the reflector 10.

In marked contrast to *Chao*, the present invention discloses a display having a rib in which both surfaces of the rib are recessed with respect to two corresponding surfaces of the base.

Applicants have amended claim 1 to recite "a rib attached to said base and disposed within said aperture such that said rib is *recessed* with *respect to* said first and second surfaces of said base." Applicant respectfully submits that at least this feature is not disclosed, taught or suggested by *Chao*.

Applicants have amended independent claim 9 to recite "a sculpted rib attached to

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said base and disposed within said aperture such that said sculpted rib is *recessed* with *respect to* said first surface *and said second surface* of said base.” Applicant respectfully submits that at least this feature is not disclosed, taught or suggested by *Chao*.

Accordingly, Applicants respectfully submit that independent claims 1 and 9 are allowable for at least the reason that they recite features that are neither disclosed, taught nor suggested by *Chao*. Further, Applicants respectfully submit that dependent claims 2-4 and 6, which depend either directly or indirectly from allowable independent claim 1, are allowable for at least the reason that they depend from allowable independent claims. *In re Fine*, 837 F.2d 1071, 5 USPQ 2d 1596, 1598 (Fed. Cir. 1998).

Rejection Under 35 U.S.C. § 103

Claims 5, 7, 8, 10-11 and 13-19 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Chao* in view of *In re Daily*, 149 USPQ 47 (CCPA 1976) (hereafter *In re Daily*)

For a claim to be properly rejected under 35 U.S.C. § 103, “[t]he PTO has the burden under section 103 to establish a *prima facie* case of obviousness. It can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references.” *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988) (Citations omitted). Further, “[t]he mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.” *In re Fritch*, 972 F.2d 1260, 1266, 23 U.S.P.Q.2d 1780 (Fed Cir. 1992).

Applicants have amended independent claim 14 to recite “a sculpted rib disposed within said aperture defining said closed alphanumeric character such that said sculpted rib is *recessed* with *respect to* said *first surface and* said second surface of said base.” Applicants respectfully submit that at least these features are not disclosed, taught or suggested by the proposed combination.

Accordingly, Applicants respectfully submit that independent claim 14 is allowable, and furthermore, that dependent claims 16-19, which depend either directly or indirectly from allowable independent claim 14 are allowable for at least the reason that they depend from

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allowable independent claims. *In re Fine*, 837 F.2d 1071, 5 USPQ 2d 1596, 1598 (Fed. Cir. 1998).

Further, Applicants respectfully submit that dependent claims 5, 7 and 8, which depend directly from independent claim 1; and dependent claims 10, 11 and 13, which depend either directly or indirectly from allowable independent claim 9, are allowable for at least the reason that they depend from allowable independent claims. *In re Fine*, 837 F.2d 1071, 5 USPQ 2d 1596, 1598 (Fed. Cir. 1998).

CONCLUSION

Should the Examiner have any comment regarding the Applicants' response or believe that a teleconference would expedite prosecution of the pending claims, Applicants request that the Examiner telephone Applicants' undersigned attorney.

Respectfully submitted,

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